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PATENT DEPARTMENT
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OFFICE OF PETITIONS

In re Application of

Heinz Mueller

Application No. 10/527,212

Filed:

Attorney Docket No. C 2341 PCT/US

DECISION ON PETITION

TO MAKE SPECIAL

37 CFR 1.102(c)(2)

This is a decision on the petition under 37 CFR 1.102(c)(2)(i), filed June 7, 2006, to make the above-identified application special based on the invention materially enhancing the quality of the environment as set forth in M.P.E.P. § 708.02, Section V. This is also a decision on the petition under 37 CFR 1.102(c)(2)(ii), filed June 7, 2006, to make the above-identified application special based on the invention materially contributing to the development or conservation of energy resources as set forth in M.P.E.P. § 708.02, Section VI.

The petition under 37 CFR 1.102(c)(2)(i) is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(i) and MPEP § 708.02, Section V: Environmental Quality, must state that special status is sought because the invention materially enhances the quality of the environment by contributing to the restoration or maintenance of basic life-sustaining natural elements. If the disclosure is not clear on its face that the claimed invention materially enhances the quality of the environment by contributing to the restoration or maintenance of one of the basic life-sustaining natural elements, the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. No fee is required

The present invention relates to borehole treatment compositions. However, there is no factual evidence that the invention "materially enhances the quality of the environment of mankind by contributing to the restoration or maintenance of the basis-life sustaining natural elements." The statement submitted does not explain how the composition claimed restores or maintains basic life-sustaining natural elements. The contribution of petitioner's invention, while beneficial to the environment, does not rise to the level of materiality intended by the Rule.

The petition under 37 CFR 1.102(c)(2)(ii), is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(2)(ii) and MPEP § 708.02, Section VI: Energy, must state how the invention materially contributes to (A) the discovery or development of energy resources, or (B) the more efficient utilization and conservation of energy resources. If the disclosure is not clear on its face that the claimed invention materially contributes category (A) or (B), the petition must be accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the materiality standard is met. Examples of inventions in category (A) would be developments in fossil fuels (natural gas, coal, and petroleum), hydrogen fuel technologies, nuclear energy, solar energy, etc. Category (B) would include inventions relating to the reduction of energy consumption in combustion systems, industrial equipment, household appliances, etc. No fee is required.

The instant petition fails to meet the materiality standard of 37 CFR 102(c)(2)(ii). Although borehole treatment compositions encompass all kinds of auxiliary fluids, which can be used when drilling into reserves of petroleum or natural gas, the petitioner has failed to state how the claimed invention contributes in a significant, substantial, or noticeable manner to inventions relating to the reduction of energy consumption. Accordingly, it is unclear as to how the claimed invention would contribute in a significant manner to the reduction of energy consumption.

Telephone inquires concerning this decision should be directed to Irvin Dingle at 571-272-3210.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Initial Patent Examination Unit.

A handwritten signature in black ink, appearing to read "Denise Pothier", with a long horizontal flourish extending to the right.

Denise Pothier
Petitions Examiner
Office of Petitions